

2007 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB40)

Received: **06/15/2007**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Russell**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Beverages**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **Faith.Russell@legis.wisconsin.gov**

aaron.gary@legis.wisconsin.gov

Pre Topic:

LFB:.....Russell -

Topic:

Senate assigned, National railroad museum, caterers serving and selling alcohol beverages

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	agary	csicilia	nnatzke	_____	mbarman		
	06/18/2007	06/18/2007	06/18/2007	_____	06/18/2007		

FE Sent For:

<END>

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/?	agary	/P/gs 6/18 07	nwn 6/18	nwn/ 6/18			

FE Sent For:

<END>

RR

Senate Democratic Caucus

2007-09 Budget Amendment Request

Title: National Railroad Museum

Date: 6/15/07

Senate Assigned #: 69

Legislator: Robson, Judy

Staff Contact: Helen Dicks

Statement of Amendment Intent: Provide an exemption for the National Railroad Museum in Green Bay to allow the serving and sale of alcoholic beverages during special events within the property of the National Railroad Museum by a licensed caterer, employing licensed bartenders. The Museum itself will be prohibited from procuring, stocking or selling beer, liquor or wine for public sales

Agency: DRL (?) DOR

Fiscal Impact: none

Funding Source: none

Attachments: none

6/18 VM from Helen

Gary, Aaron

From: Gary, Aaron
Sent: Saturday, June 16, 2007 6:41 PM
To: Dicks, Helen
Cc: Russell, Faith
Subject: RE: budget request, # 69

- yes, cash bar
- Museum doesn't have liquor license
- yes, A.B. license

Helen,

I have one more question on this. By "licensed caterer," did you mean a caterer holding an alcohol beverages license? (as opposed to some type of catering license - there is no state "caterers' license" but I don't know whether caterers hold any type of municipal catering license or restaurant permit, etc.) I'll assume you mean an alcohol beverages license unless I hear differently from you.

thanks. aaron

Aaron R. Gary
 Legislative Attorney
 Legislative Reference Bureau
 608.261.6926 (voice)
 608.264.6948 (fax)
 aaron.gary@legis.state.wi.us

From: Gary, Aaron
Sent: Friday, June 15, 2007 2:36 PM
To: Dicks, Helen
Cc: Russell, Faith
Subject: budget request, # 69

Hi Helen,

Since caterers are authorized under current law (by DOR interpretation, not by statute), I'm trying to figure out what the objective is in this request, #69, National Railroad Museum. Is it to allow caterers to operate a "cash bar" at the railroad museum during special events?

Thanks. Aaron

Aaron R. Gary
 Legislative Attorney
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 aaron.gary@legis.state.wi.us

06/16/2007

gi

LFB:.....Russell, Senate assigned National railroad museum, caterers
serving and selling alcohol beverages

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

D-note

*LPS:
fix
request
sheet as shown
on request sheet*

SA✓

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1248, line 14: after that line insert:

3 "SECTION 2757p. 125.02 (3r) of the statutes is created to read:

4 125.02 (3r) "Caterer" means any person holding a restaurant permit under s.
5 254.64 who is in the business of preparing food and transporting it for consumption
6 on premises where gatherings, meetings, or events are held, if the sale of food at each
7 gathering, meeting, or event accounts for greater than 50 percent of the gross
8 receipts of all of the food and beverages served at the gathering, meeting, or event."

9 2. Page 1249, line 7: after that line insert:

10 "SECTION 2759k. 125.26 (2) (u) of the statutes is created to read:

(2u)

125.26 (2u) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class "B" license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, at the National Railroad Museum in Green Bay during special events held at this museum. Notwithstanding sub. (1), a caterer may provide fermented malt beverages under this subsection at any location at the National Railroad Museum even though the National Railroad Museum is not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class "B" license, and even if the National Railroad Museum is not located within the municipality that issued the caterer's Class "B" license. A caterer that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the caterer's Class "B" licensed premises. This subsection does not authorize the National Railroad Museum to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply if, at any time, the National Railroad Museum holds a Class "B" license.

SECTION 2759n. 125.51 (3) (bu) of the statutes is created to read:

125.51 (3) (bu) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1) (a) and in sub. (3) (a) or (b), a "Class B" license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, at the National Railroad Museum in Green Bay during special events held at this museum. Notwithstanding subs. (1) (a) and (3) (a) and (b), a caterer may provide intoxicating liquor under this paragraph at any location at the National Railroad Museum even though the National Railroad Museum is not part of the caterer's licensed premises, as described under par. (d) in

1 the caterer's "Class B" license, and even if the National Railroad Museum is not
2 located within the municipality that issued the caterer's "Class B" license. A caterer
3 that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as
4 if the intoxicating liquor were provided on the caterer's "Class B" licensed premises.
5 This paragraph does not authorize the National Railroad Museum to sell
6 intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of
7 retail sale. This paragraph does not apply if, at any time, the National Railroad
8 Museum holds a "Class B" license." ✓

9 (END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0395/P1dn

ARG:.....

gis

The attached draft uses the same definition of caterer that I used in 2003 AB-371.

The attached draft does not specifically mention wine because, under current law, wine is considered a type of intoxicating liquor.

Please note that this amendment may be challenged as a private or local law. Under article 4, section 18, of the Wisconsin Constitution, legislation that is specific to any person, place, or thing must be enacted as single-subject legislation unless the subject matter relates to a state responsibility of statewide dimension and its enactment will have direct and immediate effect on a specific statewide concern or interest.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0395/P1dn
ARG:cjs:nwn

June 18, 2007

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E-mail: aaron.gary@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0395/P1
ARG:cjs:nwn

LFB:.....Russell - Senate assigned, National railroad museum, caterers
serving and selling alcohol beverages

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4 beverages, including their retail sale, at the National Railroad Museum in Green
5 Bay during special events held at this museum. Notwithstanding sub. (1), a caterer
6 may provide fermented malt beverages under this subsection at any location at the
7 National Railroad Museum even though the National Railroad Museum is not part
8 of the caterer's licensed premises, as described under sub. (3) in the caterer's Class
9 "B" license, and even if the National Railroad Museum is not located within the
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12 fermented malt beverages were provided on the caterer's Class "B" licensed
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24 at any location at the National Railroad Museum even though the National Railroad
25 Museum is not part of the caterer's licensed premises, as described under par. (d) in

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9 (END)